

REMARKS

Upon entry of this Amendment, claims 1-28 are pending in this Application. The Examiner's indication that claims 1-11 are allowed is gratefully acknowledged. Claims 21-28 are added by this Amendment.

103 Rejections

The Examiner rejects claims 12, 18, and 19 under 35 U.S.C. 103(a) as being unpatentable over Kline (US 5,503,435) in view of Pitts (US 4,629,349). Specifically, the Examiner has stated that "it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kline's invention to include transparent first and second covers, as taught by Pitts, to allow easy viewing of the contents within the binder without opening the binder."

The Applicants have amended claim 12 to recite that a substantial portion of the second cover is opaque. Amended claim 12 therefore distinguishes over the completely transparent covers suggested by the Examiner's combination. For this reason, amended claim 12 is allowable. Claims 13-20 depend from claim 12, and are allowable for the reasons set forth above and for additional reasons that may or may not be discussed herein.

The Examiner also rejects claims 13-17 under 35 U.S.C. 103(a) as being unpatentable over Kline in view of Pitts and further in view of Dattel (US 6,220,775). Claim 13 depends from claim 12 and is therefore allowable for the reasons discussed above with respect to claim 12. Additionally, claim 13 recites, among other things, that the second cover includes a cutout configured to permit viewing of the tab when the first and second cover are in a closed position. The slots (19) of Dattel are not configured to permit viewing of a tab when the first and second covers are in a closed position, as claimed in claim 13. Rather, as described at Col. 3, lines 60-62, the slots (19) of Dattel are positioned to receive the rings of the binder when the covers are closed and would certainly not permit any viewing of the tabs, which would be located much closer to the distal edges (8, 9) of the covers. Therefore, the combination of Kline, Pitts, and Dattel does not teach or suggest each and every element of claim 13, and thus, claim 13 contains additional patentable subject matter.

Claims 14 and 15 depend from claim 13 and are therefore allowable for the reasons discussed above with respect to claims 12 and 13, as well as for other reasons not discussed herein.

Claim 16 depends from claim 12 and is therefore allowable for the reasons discussed above with respect to claim 12. Additionally, claim 16 recites, among other things, that the second cover includes a recessed edge configured to permit viewing of the tab when the first and second cover are in a closed position. With reference to Fig. 2 of Dottel, the cut out portion (16) in the front face of the Dottel folder does not permit viewing of any tab when the first and second faces are in the closed position. Rather, the cut out portion (16) receives hook portion (13) to close the binder. There is no teaching or suggestion in Dottel of any tab being viewable through the cut out portion (16) when the binder is closed. Therefore, the combination of Kline, Pitts, and Dottel does not teach or suggest each and every element of claim 16. For these reasons, claim 16 contains additional patentable subject matter.

Claim 17 depends from claim 16 and is therefore allowable for the reasons discussed above with respect to claims 12 and 16, as well as for other reasons not discussed herein.

The Examiner also rejects claim 20 as being unpatentable under 35 U.S.C. 103(a) over Kline in view of Pitts and further in view of Fournier. Claim 20 depends from claim 12 and is therefore allowable for the reasons discussed above with respect to claim 12, as well as for other reasons that may or may not be discussed herein. Fournier does not correct the deficiencies of Kline and Pitts as discussed above with respect to claim 12, and thus the combination does not teach or suggest each and every element of claim 20. For these reasons, claim 20 is allowable.

The Applicant has added new claims 21-28 to define additional patentable subject matter. No new matter has been added.

Independent claim 21 recites, among other things, a second cover coupled with the first cover and having a cutout aligned with the tab to permit viewing of the tab when the first and second covers are in a closed position. None of the references cited by the Examiner, including Dottel, teaches or suggests a second cover having a cutout that is aligned with a tab to permit viewing of the tab when the first and second covers are in the closed position. As stated above, the slots (19) and cut out portion (16) of Dottel do not and would not permit viewing of a tab

when the covers are in the closed position.

In view of the foregoing, entry of the Amendment and allowance of claims 1-28 are respectfully requested.

The undersigned attorney is available for telephone conference at any time.

Respectfully submitted,

A handwritten signature in cursive script, reading "Richard L. Kaiser".

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